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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RIMON MAKHLOUF,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-71798

Agency No. A71-594-644

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 18, 2008<sup>\*\*</sup>

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Rimon Makhlof, a native and citizen of Syria, petitions for review of the Board of Immigration Appeals' ("BIA") order adopting and affirming an immigration judge's decision denying his motion to reopen proceedings in which

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

he was ordered removed in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion, *Singh v. INS*, 213 F.3d 1050, 1052 (9th Cir. 2000), and we deny the petition for review.

The BIA did not abuse its discretion in concluding that Makhoulf received adequate notice of his September 23, 2006, hearing because the record establishes that the notice rescheduling the hearing was served on Makhoulf's counsel of record. *See* 8 U.S.C. § 1229(a)(2)(A); *Garcia v. INS*, 222 F.3d 1208, 1209 (9th Cir. 2000) (per curiam) (holding that notice to the attorney of record constitutes notice to the petitioner).

Because Makhoulf did not demonstrate that his failure to attend his hearing was due to lack of notice, *see* 8 U.S.C. § 1229a(b)(5)(C)(ii), or to exceptional circumstances, *see id.* § 1229a(b)(5)(C)(i), the BIA acted within its discretion in denying his motion to reopen.

Makhoulf's remaining contentions lack merit.

**PETITION FOR REVIEW DENIED.**